HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 25508 of 2000

DATED: 14-12-2007

Between:

1. **B. Nagaraju Gupta**

……. Petitioner

and

1. **The Commissioner of Endowments,**
   Government of A.P., Hyderabad and another.

……. Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No. 25508 of 2000

ORDER:

This writ petition is filed by the petitioner seeking to declare the

inaction on the part of the respondents in not paying the legal fees due to him in L.A.O.P.No.2115 of 1998 and O.S.No.75 of 1990 on the file of the Senior Civil Judge, Rajampet, as arbitrary and illegal and consequentially to direct the respondents to pay the legal fees to which he is entitled.

The petitioner is a legal practitioner. He appeared on behalf of the second respondent in L.A.O.P.No.2115 of 1998 on the file of the Senior Civil Judge, Rajampet which was disposed of by the said Court and the Advocate fees was fixed at Rs.5,000/- payable by the second respondent. A decree was also passed in O.S.No.75 of 1990 on the file of the Senior Civil Judge, Rajampet, wherein the Court fixed the Advocate Fees at Rs.1,00,000/-. The petitioner claimed the said fees, but there was no response from the second respondent. Therefore, he was constrained to issue a legal notice for which the respondents have sent a reply stating that as the Appeal preferred against the land acquisition matter is pending, the fees payable to the petitioner will be settled after the disposal of the Appeal. The petitioner, having waited for so much period, approached this Court through this writ petition seeking a direction to the second respondent to pay the fees to which he is legally entitled.

The learned counsel for the respondents represented that there are no instructions to him whether any arrangement has been made to pay the fees payable to the petitioner and there are no instructions as to the stage of the proceedings regarding the payment of the fees.

When there is a decree fixing the fees payable to the Advocate, the second respondent, being a party, is bound to arrange the fees within a reasonable time, but he failed to do so. The first respondent, being the head of the institution, ought to have instructed the second respondent to arrange the fees, but no steps seems to have been taken by both the respondents. Therefore, I find sufficient force in the contention of the petitioner and it is appropriate to grant the relief as prayed for.

In the result, the Writ Petition is allowed declaring the action on

the part of the respondents in not paying the fees payable to the petitioner as illegal and arbitrary and consequently, the respondents are directed to arrange the fees to the petitioner within eight weeks from the date of receipt of this order, failing which the second respondent is personally liable to pay interest @ 9% per annum from the date of writ petition till the date of payment. No order as to costs.

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Dr. G.YETHIRAJULU, J

Date: 14-12-2007

YCR